

Introduced by Senator Monning

February 3, 2016

An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as introduced, Monning. Pet boarding facilities.

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, size of enclosures, sanitation, provision of enrichment devices, health of the pet, and safety. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 122380) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 11. PET BOARDING FACILITIES

122380. As used in this chapter, the following definitions apply:

(a) “Adequate space” means sufficient height and sufficient floor space for a pet to stand up, sit down, turn about freely using normal body movements without the head touching the top of the primary enclosure, lie down with limbs outstretched, exercise normal postural movement, move about freely as appropriate for the species, age, size, and condition of the pet, and, when appropriate, to experience socialization with other pets, if any, in the primary enclosure. However, when freedom of movement would endanger the pet, temporarily and appropriately restricting movement of the pet in a humane manner is permitted.

(b) “Enrichment” means providing objects or activities, appropriate to the needs of the species, as well as the age, size, and condition of the pet that stimulate the pet and promote the pet’s well-being.

(c) “Impervious to moisture” means a surface that prevents the absorption of fluids and that can be thoroughly and repeatedly sanitized, will not retain odors, and from which fluids bead up and run off or can be removed without being absorbed into the surface material.

(d) “Intact” means a pet that retains its sexual organs or ability to procreate and has not been sterilized.

(e) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, or other legal entity.

(f) “Pet” means any nonhuman animal housed in the pet boarding facility, including, but not limited to, mammals, birds, reptiles, amphibians, and fish.

(g) “Pet boarding facility” means any lot, building, structure, enclosure, or premises whereupon four or more dogs, cats, or other pets in any combination are boarded for profit.

1 (h) “Pet boarding facility operator” or “operator” means a person
2 who owns, operates, or both, a pet boarding facility.

3 (i) “Primary enclosure” means a structure used to immediately
4 restrict a pet or pets to a limited amount of space, such as a room,
5 pen, cage, aquarium, terrarium, habitat compartment, or hutch,
6 where the pet or pets reside while they are being boarded.

7 (j) “Sanitize” means to make physically clean and to destroy,
8 to the extent practical, agents injurious to health.

9 (k) “Temporary enclosure” means a confined space used by the
10 pet boarding facility to house a pet when the pet is not in its
11 primary enclosure for a period not to exceed four consecutive
12 hours. The temporary enclosure shall allow the pet to stand up, lie
13 down, and turn around. An enclosure used by the pet boarding
14 facility to house an animal for longer than four consecutive hours
15 shall meet the requirements of a primary enclosure.

16 (l) “Veterinary treatment” means treatment by, or at the direction
17 of, a California-licensed veterinarian.

18 122381. Each pet boarding facility operator shall be responsible
19 for all of the following:

20 (a) Maintaining the entire pet boarding facility in good repair.

21 (b) Restricting the entry of pests from outside.

22 (c) Ensuring the containment of pets within the pet boarding
23 facility, and, in the event that a pet escapes, being responsible for
24 reporting this fact, as necessary, to local authorities and making
25 reasonable efforts to capture the pet that has escaped.

26 (d) Ensuring that the pet boarding facility’s interior building
27 surfaces, including walls and floors, are constructed in a manner
28 that permits them to be readily cleaned and maintained.

29 (e) Uniformly distributing light, by natural or artificial means,
30 in a manner that permits routine inspection and cleaning, and the
31 proper care and maintenance of the pets.

32 (f) When pet grooming services are offered by a pet boarding
33 facility, separating the grooming work area from the pet boarding
34 facility’s primary enclosures, pet food storage areas, and isolation
35 areas for housing sick pets. The grooming area shall be cleaned
36 and maintained at least once daily.

37 122382. (a) Primary and temporary enclosures shall comply
38 with all of the following structural standards:

39 (1) Primary and temporary enclosures shall be structurally sound
40 and maintained in good repair to protect the pets from injury, to

1 contain the pets, to keep other animals out, and to promote the
2 health and well-being of the enclosed pets. Primary enclosures
3 shall be constructed so they can be routinely maintained to allow
4 pets to stay clean.

5 (2) The floor of the primary enclosure shall be constructed to
6 prevent injury. A solid surface, platform, or shelf shall be provided
7 when a grid-flooring system is used.

8 (3) Primary enclosures shall be constructed of materials that are
9 impervious to moisture and can be sanitized.

10 (4) All primary enclosures shall provide adequate space for the
11 pet or pets housed in the enclosure.

12 (5) Each primary enclosure shall provide each pet with an
13 enrichment device or devices appropriate for the species, age, size,
14 and condition of the pet.

15 (b) In addition to the requirements set forth in subdivision (a),
16 primary enclosures for cats shall provide an elevated platform as
17 appropriate for the size of the cat.

18 (c) In addition to the requirements set forth in subdivision (a),
19 primary enclosures for birds shall be designed to ensure all of the
20 following:

21 (1) A bird can fully extend both of its wings at the same time
22 without contacting the sides of the enclosure.

23 (2) Perches are provided in a diameter that is appropriate for
24 the species, age, size, and condition of the bird, and for the size of
25 the enclosure.

26 (3) There is sufficient space to enable each bird to fully extend
27 its wings in every direction while all birds are simultaneously
28 perched.

29 (d) Primary enclosures for prey species shall be located where
30 they cannot be directly seen by predator animals for that species.

31 122383. (a) When a primary or temporary enclosure is being
32 cleaned in a manner, or with a substance, that is or may be harmful
33 to a pet within the enclosure, that pet shall be removed from the
34 enclosure.

35 (b) Primary enclosures shall be observed at least once every
36 eight hours, and pet and food wastes, used bedding, debris, and
37 any other organic wastes shall be removed as necessary to prevent
38 contamination of the pets and to reduce disease hazards and odors.

39 (c) Pest control measures shall be implemented to effectively
40 control infestation of vermin, insects, or other pests.

1 122384. A pet boarding facility operator shall comply with all
2 of the following animal care requirements:

3 (a) House only compatible pets in the same enclosure.

4 (b) Observe each pet at regular intervals, but no less than once
5 every eight hours, in order to recognize and evaluate general
6 symptoms of sickness, injury, or abnormal behavior.

7 (c) Remove each dog from its primary enclosure at least once
8 every eight hours and enable the dog to remain outside the primary
9 enclosure for at least 15 minutes each time.

10 (d) Separately house intact mammals that have reached sexual
11 maturity in a manner to prevent unplanned reproduction.

12 (e) Provide potable water at all times, unless otherwise directed
13 by a veterinarian.

14 (f) Provide each pet with nutritious food in quantities and at
15 intervals suitable for that pet.

16 (g) Provide each pet with heating and ventilation suitable for
17 that pet.

18 (h) Maintain and abide by written animal husbandry procedures
19 that address animal care, management and safe handling, disease
20 prevention and control, routine care, preventative care, emergency
21 care, veterinary treatment, euthanasia, and disaster planning,
22 evacuation, and recovery that are applicable to the location of the
23 pet boarding facility. These procedures shall be reviewed with
24 each employee who provides animal care and shall be present, in
25 writing, either electronically or physically, in the facility and made
26 available to all employees.

27 (i) Isolate those pets that have or are suspected of having a
28 contagious condition.

29 (j) Have a documented program of routine care, preventative
30 care, emergency care, disease control and prevention, and
31 veterinary treatment, as outlined in subdivision (h), that is
32 established and maintained by the pet boarding facility in
33 consultation with a licensed veterinarian employed by the pet
34 boarding facility or a California-licensed veterinarian, to ensure
35 adherence to the program with respect to each pet. The program
36 shall also include a documented onsite visit to the pet boarding
37 facility by a California-licensed veterinarian at least once a year.

38 (k) Ensure that each diseased, ill, or injured pet is provided
39 without delay with veterinary treatment and notify the owner of
40 the pet as soon as is practicable.

1 (l) In the event of a natural disaster, an emergency evacuation,
2 or other similar occurrence, ensure that the humane care and
3 treatment of each animal is provided for, as required by this
4 chapter, to the extent access to the pet is reasonably available.

5 122385. (a) Each pet boarding facility operator shall ensure
6 that records of all veterinary visits to the pet boarding facility are
7 documented writing. Veterinary treatment records shall be kept
8 for each animal or group of animals that receives medications or
9 immunizations while in the care of the pet boarding facility. These
10 records shall include summaries of directions received orally from
11 veterinarians, and shall include all of the following, to the extent
12 it is provided by the veterinarian:

- 13 (1) Identification of the pet receiving medical treatment.
- 14 (2) Name of the medication or immunization used.
- 15 (3) Amount of medication used.
- 16 (4) Time and date on which the medication or immunization
17 was administered.

18 (b) Records required by subdivision (a) shall be provided to the
19 owner of the pet upon request.

20 (c) All records required by this section shall be maintained by
21 the pet boarding facility for two years from the date of boarding
22 of the pet, and shall be made available upon request to an
23 appropriate enforcement officer exercising his or her authority.

24 122386. A pet boarding facility operator who violates any
25 provision of this chapter is guilty of an infraction punishable by a
26 fine not to exceed two hundred fifty dollars (\$250) for the first
27 violation and by a fine not to exceed one thousand dollars (\$1,000)
28 for each subsequent violation. The court shall weigh the gravity
29 of the offense in setting the penalty.

30 122387. (a) Nothing in this chapter shall be construed to in
31 any way limit or affect the application or enforcement of any other
32 law that protects animals or the rights of consumers, including,
33 but not limited to Section 597 of the Penal Code.

34 (b) Nothing in this chapter limits, or authorizes any act or
35 omission that violates, Section 597 of the Penal Code, or any other
36 local, state, or federal law that protects animals or the rights of
37 consumers.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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